

DEPARTMENT OF STATE REVENUE

LETTER OF FINDINGS NUMBER: 98-0174P

**Adjusted Gross Income Tax
Fiscal Year Ended 03/31/91**

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ISSUE(S)

I. Tax Administration – Penalty

Authority: IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

II. Tax Administration – Interest

Authority: IC 6-8-1-10-1

Taxpayer protests the interest assessed.

STATEMENT OF FACTS

Taxpayer, an Indiana corporation, protests penalties and interest assessed for fiscal year ended March 30, 1991.

Upon audit it was discovered that the Taxpayer failed to file returns for fiscal years ended March 31, 1990 and March 31, 1991. The department applied the 1990 overpayment plus interest to the 1991 liability, Taxpayer remitted a check for the 1991 base tax with a request for the waiver of penalty and interest on March 4, 1998.

I. Tax Administration – Penalty

DISCUSSION

Taxpayer protests the penalty assessed and states it believed the tax returns had previously been filed by his spouse. Taxpayer asserts that the non-filing of the returns was an honest oversight.

Oversight in the filing of a return is not reasonable cause; therefore, the penalty may not be waived.

FINDING

Taxpayer's protest is denied.

II. Tax Administration - Interest

DISCUSSION

Taxpayer protests the interest assessed.

The department has no authority to waive interest.

FINDING

Taxpayer's protest is denied

CONCLUSION

Taxpayer's protest is denied for Issues I and II.